

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NAJIB SHOUCAIR,

Case No. 07-12964

Plaintiff,

Anna Diggs Taylor  
U.S. District Judge

vs.

Michael Hluchaniuk  
U.S. Magistrate Judge

MILLICENT WARREN AND  
CORRECTIONS OFFICERS  
DOE 1 AND DOE 2,

Defendants.

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**ORDER DENYING PLAINTIFF'S MOTION  
FOR APPOINTMENT OF COUNSEL WITHOUT PREJUDICE**

The present complaint was filed by plaintiff Najib Shoucair, a prisoner in the custody of the State of Michigan, on July 17, 2007. (Dkt. # 1). In that complaint, plaintiff seeks damages against three employees of the Michigan Department of Corrections (MDOC) based on allegations that he was denied certain rights under the United States Constitution.<sup>1</sup> *Id.* This matter is before the Court on plaintiff's

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<sup>1</sup> Defendants filed a motion for summary judgment alleging that plaintiff failed to exhaust his administrative remedies. (Dkt. # 9). The undersigned recommended that this motion be denied, which recommendation was adopted by the District Court. (Dkt. # 15, 22).

motion for appointment of counsel. (Dkt. # 20).

In support of his request for counsel, plaintiff states that he has limited knowledge of the law, that the issues in this case are complex, that extensive discovery will be required, and that his English is very limited. *Id.* at 2-3. Under 28 U.S.C. § 1915(e)(1), a federal court may request an attorney to represent an indigent plaintiff. *Reneer v. Sewell*, 975 F.2d 261 (6th Cir. 1992). Except in rare circumstances, it is the practice of this Court to consider the appointment of counsel in prisoner civil rights cases where exceptional circumstances exist, or in certain cases, only after a motion to dismiss or for summary judgment has been decided. In order to make the determination whether there are exceptional circumstances to appoint counsel, the Court considers the type of case involved, plaintiff's ability to represent himself, as well as the complexity of the case and whether the claims being presented are frivolous or have a small likelihood of success. *Reneer*, 975 F.2d at 261; *Mars v. Hanberry*, 752 F.2d 254, 256 (6th Cir. 1995).

It appears that, from reading the complaint other pleadings filed by plaintiff, he has an adequate understanding of the matters involved in this case, and is able to articulate his claims and arguments in a reasonable fashion. It also appears that the

issues raised in his complaint are straightforward and understandable and not of an unduly complex nature. Moreover, no dispositive motions on the substantive issues presented in this matter have yet been filed or decided. Should any future dispositive motion(s) on the substantive issues in this matter be decided in plaintiff's favor, plaintiff may re-file his motion for the appointment of counsel.

**IT IS HEREBY ORDERED** that plaintiff's motion for appointment of counsel is hereby **DENIED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

The parties to this action may object to and seek review of this Order, but are required to file any objections within ten (10) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1) and Local Rule 72.1(d)(2). A party may not thereafter assign as error any defect in this Order to which timely objection was not made. Fed.R.Civ.P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. Pursuant to Local Rule 72.1(d)(2), any objections must be served on this Magistrate Judge.

Date: May 15, 2008

s/Michael Hluchaniuk  
Michael Hluchaniuk  
United States Magistrate Judge

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification to the following: Clifton B. Schneider, Attorney at Law, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Najib Shoucair, #25289, Gus Harrison Correctional Facility, 2727 E. Beecher Street, Adrian, MI 49221.

s/Tammy M. Hallwood

Deputy Clerk

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